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(pending pro hac admission)

## Attorneys for Brandon Robinson

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Brandon Robinson,

Plaintiff,

1

Chas Roberts Air Conditioning, Inc. dba  
Chas Roberts Air Conditioning & Heating.

## Defendant

Case No.

## COMPLAINT

Plaintiff, Brandon Robinson, alleges as follows:

## **JURISDICTION AND VENUE**

- 1 1. Plaintiff Brandon Robinson is a 48-year-old man residing in the City of Phoenix,
- 2 County of Maricopa, State of Arizona.
- 3
- 4 2. Defendant Chas Roberts Air Conditioning, Inc., d/b/a Chas Roberts Air Conditioning
- 5 & Heating (“Chas Roberts”) is a domestic corporation located and conducting
- 6 business in the City of Phoenix, County of Maricopa, State of Arizona.
- 7
- 8 3. The Court has federal question jurisdiction (28 U.S.C. § 1331) because Plaintiff’s two
- 9 claims are based on federal laws.
- 10
- 11 4. The events giving rise to this Complaint occurred within this judicial district. Venue
- 12 is proper pursuant to 29 U.S.C. § 1391.

13 **FACTUAL ALLEGATIONS**

- 14 5. Plaintiff, by reference, incorporates the preceding paragraphs of this Complaint as
- 15 though fully set forth herein.
- 16
- 17 6. Plaintiff Robinson began his employment with Defendant Chas Roberts in September
- 18 2015.
- 19
- 20 7. Defendant Chas Roberts is engaged in providing contracting services for the design,
- 21 construction, and maintenance of heating and cooling (“HVAC”) services to residents
- 22 and businesses of Arizona.
- 23
- 24 8. Defendant Chas Roberts employed Plaintiff Robinson as a Sales Consultant Associate.
- 25
- 26 9. Plaintiff is an African American male.
- 27
- 28 10. Chas Roberts maintained a predominantly Caucasian workforce.
11. In 2015, Plaintiff received an increase in his commission percentages as a result of
- producing top sales in his region.

1 12. In or around February 2016, Robinson received a text message from Defendant Chas  
2 Robert's Sales Manager, Noah Senter, where he used the word "nigga."  
3  
4 13. In or around February 2016, Robinson discussed the incident with his coworkers and  
5 was informed by coworker Yolanda Pittman that Noah Senter regularly uses the racial  
6 slur.  
7  
8 14. In 2017, the bonus structure included a 1% bonus for two million dollars (\$2,000,000)  
9 in revenue and a 0.5% bonus if the employee obtained one million five hundred  
10 thousand dollars (\$1,500,000) in revenue.  
11  
12 15. In 2017, Plaintiff brought in over two million dollars in revenue.  
13  
14 16. Plaintiff was the only employee that brought in over two million dollars in revenue in  
15 2017.  
16  
17 17. In February 2018, Plaintiff was informed that the bonus structure was changing.  
18  
19 18. Plaintiff was told that to obtain the 0.5% bonus, he would have to bring in two million  
20 dollars (\$2,000,000) in revenue.  
21  
22 19. And to obtain the 1% bonus, he would need to obtain two million five hundred  
23 thousand (2,500,000) in revenue.  
24  
25 20. In or around February 2018, Defendant Chas Robert's Sales Manager, Noah Senter,  
26 informed Plaintiff that the bonus structure was changed by Defendant Chas Robert's  
27 Vice President, Damon Bromagen.  
28  
29 21. Plaintiff was told that Damon Bromagen changed the structure because he did not  
30 want to pay Plaintiff.

1 22. In or around February 2018, Plaintiff verbally complained to Defendant Chas Robert's  
2 Human Resources about the differential treatment he received in comparison to his  
3 Caucasian coworkers.  
4

5 23. In response to his complaint of race discrimination, Plaintiff was told to work it out  
6 himself with Noah Senter and Damon Bromagen.  
7

8 24. In or around January 2021, Defendant Chas Robert replaced Damon Bromagen as the  
9 company's Vice President, with Mike Senter, who is the brother of Noah Senter.  
10

11 25. In or around January 2021, Plaintiff had a meeting with Noah and Mike Senter to  
12 discuss the bonus structure and the disparate treatment due to his race as compared to  
13 his other Caucasian coworkers.  
14

15 26. Plaintiff was informed in this meeting that the alterations to his bonus structure were  
16 made to prevent Plaintiff from earning the 1% bonus.  
17

18 27. In or around May 2023, Plaintiff had been approved for the Family Medical Leave  
19 Act ("FMLA") to treat his serious mental conditions including depression, anxiety,  
20 stress, and suicidal ideations.  
21

22 28. During FMLA leave, Plaintiff's brother and other coworkers informed him that Noah  
23 Senter and Mike Senter questioned them to obtain the reason for his hospitalization.  
24

25 29. Plaintiff was approved to return to work on September 25, 2023.  
26

27 30. On September 25, 2023, Noah and Mike Senter presented Plaintiff with a new contract  
28 under which he would be receiving a pay cut and reducing his earning percentages on  
his commission structure.

1 31. The “new” commission structure was the same commission structure that Plaintiff  
2 started with at the company.  
3  
4 32. On September 25, 2023, Plaintiff objected to the new bonus structure.  
5  
6 33. On September 25, 2023, Plaintiff inquired about the basis for the “new” commission  
7 structure.  
8  
9 34. Noah and Mike Senter stated the “new” commission structure was due to his work  
10 truck being a “disaster.”  
11  
12 35. Plaintiff asked to show him this “disaster” and explained that he had not driven his  
13 work truck since May 2023 because he was on FMLA leave.  
14  
15 36. On September 25, 2023, Plaintiff took photographs of his work truck in pristine  
16 condition, and requested to look at the other associates’ vehicles, which Noah and  
17 Mike Senter refused.  
18  
19 37. On or around September 25, 2023, Plaintiff received five appointments and closed all  
20 five deals and surpassed the department’s average.  
21  
22 38. On October 02, 2023, Plaintiff was called into Noah Senter’s office to again sign the  
23 “new” commission contact.  
24  
25 39. On October 02, 2023, Plaintiff once again objected to the “new” commission contract.  
26  
27 40. Noah Senter told Plaintiff that they considered his objection to the new commission  
28 contract a voluntary resignation.  
29  
30 41. On October 02, 2023, Plaintiff informed Noah Senter that he was not resigning, and  
31 that if his employment ended, it was because Defendant Chas Roberts had terminated  
32 his employment.

1 42. On October 02, 2023, Plaintiff filed a complaint with the Equal Employment  
2 Opportunity Commission (“EEOC”) and the Department of Labor.  
3  
4 43. On October 02, 2023, Defendant Chas Roberts terminated Plaintiff.  
5  
6 44. The bonus structure change was the result of discrimination based on Plaintiff’s race  
7 and in retaliation for his protected complaints of race discrimination.  
8  
9 45. Robinson was wrongfully asked to sign a “new” and significantly worse commission  
10 contract because of his race and in retaliation for his protected complaints of race  
11 discrimination.  
12  
13 46. Robinson was removed from his position and terminated from Defendant Chas  
14 Roberts because of his race and his protected complaints of race discrimination.  
15  
16 47. Robinson was also retaliated against because he exercised his rights to take FMLA  
17 leave.  
18  
19 48. Robinson has suffered and continues to suffer emotional distress and significant  
20 economic loss.  
21  
22 49. Defendant’s actions created a hostile work environment and resulted in disparate  
23 treatment of Plaintiff because of his race, his protected complaints of race  
24 discrimination, and his exercise of his FMLA rights.  
25

26  
27  
28 **FIRST CAUSE OF ACTION**

**(42 U.S.C. § 1981 – Race Discrimination)**

29  
30 50. Plaintiff re-alleges and incorporates by reference the foregoing Paragraphs above.  
31  
32 51. As set forth above, Defendant discriminated against Plaintiff based on his race, in  
33 violation of 42 U.S.C. § 1981.  
34

1 52. Plaintiff has suffered loss of both income and benefits because of being unlawfully  
2 discriminated against.  
3  
4 53. Plaintiff has also suffered substantial emotional distress damages, including  
5 depression, anxiety, stress, and suicidal ideations.  
6  
7 54. Plaintiff is entitled to reinstatement with an appropriated pay adjustment or front pay  
8 in lieu thereof.  
9  
10 55. Due to Defendant's intentional disregard of Plaintiff's federally protected rights or its  
11 reckless disregard thereof, Plaintiff is entitled to an award of punitive damages.

12 **SECOND CAUSE OF ACTION**

13 **(42 U.S.C. § 1981 – Retaliation for Reporting Race Discrimination)**

14 56. Plaintiff re-alleges and incorporates by reference the foregoing Paragraphs above.  
15  
16 57. As set forth above, Defendant retaliated against Plaintiff because he reported his  
17 concerns of race discrimination, in violation of 42 U.S.C. § 1981.  
18  
19 58. Plaintiff has suffered loss of both income and benefits because of being unlawfully  
20 retaliated against.  
21  
22 59. Plaintiff has also suffered substantial emotional distress damages.  
23  
24 60. Plaintiff is entitled to reinstatement with an appropriated pay adjustment or front pay  
25 in lieu thereof.  
26  
27 61. Due to Defendant's intentional disregard of Plaintiff's federally protected rights or its  
28 reckless disregard thereof, Plaintiff is entitled to an award of punitive damages.

29 **THIRD CAUSE OF ACTION**

30 **(Title VII – Race Discrimination)**

1 62. Plaintiff re-alleges and incorporates by reference the foregoing Paragraphs above.

2 63. As set forth above, Defendant discriminated against Plaintiff based on his race, in

3 violation of Title VII of the Civil Rights Act of 1964.

4 64. Plaintiff has suffered loss of both income and benefits because of being unlawfully

5 discriminated against.

6 65. Plaintiff has also suffered substantial emotional distress damages.

7 66. Plaintiff is entitled to reinstatement with an appropriated pay adjustment or front pay

8 in lieu thereof.

9 67. Due to Defendant's intentional disregard of Plaintiff's federally protected rights or its

10 reckless disregard thereof, Plaintiff is entitled to an award of punitive damages.

11

12

13

14 **FOURTH CAUSE OF ACTION**

15

16 **(Title VII – Retaliation for Reporting Race Discrimination)**

17

18 68. Plaintiff re-alleges and incorporates by reference the foregoing Paragraphs above.

19 69. As set forth above, Defendant retaliated against Plaintiff because he reported his

20 concerns of race discrimination, in violation of Title VII of the Civil Rights Act of

21 1964.

22 70. Plaintiff suffered financial losses and emotional distress damages.

23 71. Plaintiff is entitled to reinstatement with an appropriated pay adjustment or front pay

24 in lieu thereof.

25

26 72. Due to Defendant's intentional disregard of Plaintiff's federally protected rights or its

27 reckless disregard thereof, Plaintiff is entitled to an award of punitive damages.

28

## **FIFTH CAUSE OF ACTION**

73. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs.
74. Plaintiff was an eligible employee within the coverage of the Family and Medical Leave Act.
75. Defendant was an employer within the coverage of the Family and Medical Leave Act.
76. Plaintiff was eligible for and qualified for leave under the Family and Medical Leave Act to treat his serious medical conditions, including depression, anxiety, stress, and suicidal ideations.
77. Plaintiff applied for and was granted leave under the Family and Medical Leave Act.
78. Plaintiff was on approved leave under the Family and Medical Leave Act from May of 2023 through September 25, 2023.
79. Plaintiff returned to work on September 25, 2023.
80. On the day he returned, management confronted Plaintiff demanding that he agree to a “new” and decreased commission structure.
81. Plaintiff objected to the “new” commission structure.
82. Defendant retaliated against Plaintiff for exercising his rights under the Family and Medical Leave Act, by among other things, decreasing his commission structure and terminating him.
83. Plaintiff has suffered a loss of both income and benefits.

1 84. Plaintiff is entitled to lost wages and liquidated damages on the amount of his lost  
2 wages under the FMLA.  
3

4 **JURY TRIAL DEMAND**  
5

6 Plaintiff hereby demands a jury trial in this matter on all legal claims.  
7

8 **REQUEST FOR RELIEF**  
9

10 Plaintiff Requests the following relief:  
11

12 A. An award of all lost income and benefits pursuant to Title VII of the 1964 Civil  
13 Rights Act, 42 U.S.C. § 1981, and the FMLA,  
14

15 B. An award of liquidated damages on the amount of lost wages pursuant to the  
16 FMLA,  
17

18 C. An award of compensatory damages pursuant to Title VII of the 1964 Civil Rights  
19 Act, 42 U.S.C. § 1981, and the FMLA,  
20

21 D. Affirmative injunctive relief in the form of reinstatement or front pay pursuant to  
22 Title VII of the 1964 Civil Rights Act, 42 U.S.C. § 1981, and the FMLA,  
23

24 E. An award of punitive damages pursuant to Title VII of the 1964 Civil Rights Act  
25 and 42 U.S.C. § 1981,  
26

27 F. An award of attorney's fees and costs pursuant to Title VII of the 1964 Civil Rights  
28 Act, 42 U.S.C. § 1981, and the FMLA, and  
29

30 G. Such further relief as this Court deems proper.  
31

32 DATED this the 13th day of October, 2024.  
33

## Silence Law Group

/S/ Jeffrey Silence

Jeffrey Silence

Attorney for Brandon Robinson

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## Certificate of Service

I hereby certify that on the 13th day of October, 2024, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing.

/s/ Jeffrey Silence

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